

1 **BILL NO. 2006-39**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO EXPAND THE DEFINITION OF PROSTITUTION OR PANDERING; RE-
4 DEFINE THE CRIME OF LOITERING FOR THE PURPOSES OF PROSTITUTION; AND
PROVIDE FOR OTHER RELATED MATTERS

5 Proposed by: Bradford R. Jerbic, City Attorney Summary: Expands the definition of prostitution
6 or pandering, and provides for a constitutionally
7 valid definition of the crime of loitering for the
8 purposes of prostitution, as identified by the
Nevada Supreme Court in *Silvar v. District
Court* (122 Nev. Adv. Op. No. 25).

9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Title 10, Chapter 36, Section 10, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **10.36.010:** For the purpose of this Chapter, the words set out in this Section mean as follows:

14 ["Known prostitute or panderer" means a person who, within one year previous to the date of
15 arrest for violation of this Chapter, has within the knowledge of the arresting officer been convicted
16 of violating any ordinance of the City or statute of the State defining and punishing acts of soliciting,
17 committing, or offering or agreeing to commit prostitution.]

18 "Fee," whether or not quantified, means anything of monetary value, service, consideration,
19 trade, barter, exchange, accommodation, or other compensation, whether agreed to, received, offered,
20 solicited, promised, suggested, or expected by any party to a transaction.

21 "Order Out Corridor" means the following areas within the City of Las Vegas:

22 (1) The area which is bordered on the west by Main Street from Washington
23 Avenue to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Main
24 Street to Las Vegas Boulevard; then along Las Vegas Boulevard from Charleston Boulevard on the
25 north to and including Sahara Avenue on the south; then bordered on the south by Charleston
26 Boulevard from Las Vegas Boulevard to Eastern Avenue; then bordered on the east by Eastern Avenue
27 from Charleston Boulevard to Washington Avenue; then bordered on the north by Washington
28 Avenue from Eastern Avenue to Main Street;

1 (2) The area which is bordered on the west by Interstate 15 from Bonneville
2 Avenue to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Interstate
3 15 to Main Street; then bordered on the east by Main Street from Charleston Boulevard to Bonneville
4 Avenue; then bordered on the north by Bonneville Avenue from Main Street to Interstate 15;

5 (3) The area which is bordered on the west by Interstate 15 from Charleston
6 Boulevard to Sahara Avenue; then bordered on the south by Sahara Avenue from Interstate 15 to Las
7 Vegas Boulevard; then bordered on the east by Las Vegas Boulevard from Sahara Avenue to
8 Charleston Boulevard; then bordered on the north by Charleston Boulevard from Las Vegas Boulevard
9 to Interstate 15; and

10 (4) The area which is bordered on the west by Atlantic Avenue from Fremont
11 Street/Boulder Highway to Sahara Avenue; then bordered on the south by Sahara Avenue from
12 Atlantic Avenue to Fremont Street/Boulder Highway; then bordered on the north and east by Fremont
13 Street/Boulder Highway from Sahara Avenue to Atlantic Avenue (but excluding those parcels south
14 and west of Fremont Street/Boulder Highway which are located within the unincorporated area of the
15 County).

16 The Order Out Corridor includes the entire width of the roadway and sidewalks of the streets, avenues
17 and boulevards described above. For the purposes of this Chapter, the Order Out Corridor may be
18 divided into sections that correspond to Las Vegas Metropolitan Police Department sector
19 assignments.

20 “Prostitution” means an act, by any person, for a fee, of engaging in an act of lewdness, sexual
21 intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of another
22 person, clothed or unclothed, for the purpose of arousing or gratifying the sexual desire of either
23 person[.] or a third person.

24 “Public place” means:

25 (1) Any place to which the public is invited, including any private property into or
26 upon which the public is admitted by easement or license;

27 (2) Any street, sidewalk, bridge, overpass, alley or alleyway, plaza, park, driveway,
28 parking lot or transportation facility;

1 (3) The alcoves, doorways and entrance ways to any such places; or

2 (4) A motor vehicle in or on any such place.

3 SECTION 2: Title 10, Chapter 36, Sections 20 and 30, of the Municipal Code of the
4 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

5 SECTION 3: Title 10, Chapter 36, of the Municipal Code of the City of Las Vegas,
6 Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated respectively
7 as Sections 20 and 30, reading as follows:

8 **10.36.020:** (A) It is unlawful for anyone, other than a peace officer acting within the scope of
9 his or her employment, to:

10 (1) Commit, engage in, institute, solicit, offer or agree to commit an act of
11 prostitution;

12 (2) Attempt to commit, engage in, or institute an act of prostitution; or

13 (3) Intentionally facilitate, allow, permit, encourage, procure, negotiate or
14 provide a fee for an act of prostitution.

15 (B) It is unlawful for anyone, other than a peace officer acting within the scope of
16 his or her employment, to:

17 (1) Secure or offer to secure another person for the purpose of committing
18 a violation of Subsection (A);

19 (2) Knowingly transport, offer to transport, or seek transport for a person
20 into or within the City for the purpose of committing a violation of Subsection (A), or to procure or
21 pay for transportation for that purpose;

22 (3) Knowingly receive, offer or agree to receive another into any motor
23 vehicle, place or building for the purpose of committing a violation of Subsection (A);

24 (4) Direct another to any motor vehicle or place for the purpose of
25 committing a violation of Subsection (A);

26 (5) Attempt to detect the presence or identity of a police officer, peace
27 officer, or other law enforcement officer for the purpose of attempting to avoid or escape criminal
28 liability for violating, or attempting to violate this Chapter, by:

1 (a) Exposing or touching or seeking to expose or touch an intimate
2 body part of another or one's self, or asking, soliciting, encouraging or attempting to procure another
3 to do the same; or

4 (b) Inquiring, in any manner, as to whether another person is a peace
5 officer, police officer, or other law enforcement officer;

6 (6) Possess or acquire a prescription or non-prescription controlled
7 substance for the purposes of facilitating a violation of this Chapter or a benefit therefrom, including
8 acquiring or possessing such substance to:

9 (a) Complete a barter, trade or exchange;

10 (b) Enhance sexual performance or sexual gratification; or

11 (c) Incapacitate another so as to steal a thing of value from such
12 other person; or

13 (7) Knowingly, in any other way, aid, abet or participate in an act of
14 prostitution or pandering.

15 (C) It is not a defense to a charge of offering or agreeing to an act of prostitution
16 that there was an absence of an intent to institute, commit, engage in, procure, facilitate or carry
17 through with an act of prostitution.

18 **10.36.030:** It is unlawful for anyone, other than a peace officer acting within the scope of his or
19 her employment, to:

20 (A) Remain or wander about in a public place and repeatedly beckon to, or
21 repeatedly stop, or repeatedly attempt to stop, or repeatedly attempt to engage passers-by in
22 conversation, or repeatedly stop or attempt to stop motor vehicles, or repeatedly interfere with the free
23 passage of other persons, for the purpose of committing a violation of Section 10.36.020; or

24 (B) Remain or wander about in or upon private property after having been warned
25 against trespassing on such property and repeatedly beckon to, or repeatedly stop, or repeatedly
26 attempt to stop, or repeatedly attempt to engage passers-by in conversation, or repeatedly stop or
27 attempt to stop motor vehicles, or repeatedly interfere with the free passage of other persons, for the
28 purpose of committing a violation of Section 10.36.020.

1 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
2 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
3 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
4 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
5 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
6 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
7 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
8 invalid or ineffective.

9 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this ____ day of _____, 2006.

20 APPROVED:

21 By _____
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 _____
25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 _____
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2006, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2006, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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